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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,045	09/29/2003	Richie L. Crane	P-1869	5419
7590	11/03/2004		EXAMINER ESTRADA, ANGEL R	
Charles J. Prescott Suite 115 2033 Wood Street Sarasota, FL 34237			ART UNIT 2831	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/675,045

Applicant(s)

CRANE, RICHIE L.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/29/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The Oath is objected because it does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Skakun (US 6,803,522).

Regarding claim 1, Shakun discloses an universal paint shield (16) for releasable attachment to an electrical wall outlet or switch assembly (see figure 1) for preventing paint (column 1 lines 44-46) from contacting the cover plate (10) of the assembly or any other exposes surfaces or components thereof, comprising: a molded plastic body (column 3 lines 20-24) formed as a unit including generally rectangular front panel (25 or see figure 1) having a front surface and a rear surface, top, bottom and side walls projecting rearward of said front panel (see figure 1) and having continuous edge portions which define an open rear side of said body (see figure 2); at least two

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opposing said edge portions (see figure 2) of said top and bottom or said side walls biasingly engaging the corresponding outer edge surfaces of the cover plate (10) to entirely cover all front and side surfaces of said assembly (column 1 lines 59-66); said top, bottom and sidewalls being formed with thin edge sections (23, for illustration purposes only, see figure 2) on the rear portion thereof, said opposing edge having concaved or inwardly contoured longitudinal edges (see figure 2) which resiliently cooperate with said thin edge sections (23) having a degree of resilience (column 1 lines 59-66 or column 3 lines 20-23) which allows them to be force fitted over the corresponding outer edge surfaces of the cover plate (10) to provide an only means of releasably retaining said paint shield (16) over the assembly (column 1 lines 59-66 or column 3 lines 20-23).

Regarding claim 2, Skakun discloses an universal paint shield (16) for releasable attachment to an electrical wall outlet or switch assembly (see figure 1) for preventing paint (column 1 lines 44-46) being applied from contacting the cover plate (10) of the assembly or any other exposes surfaces thereof, comprising: a molded plastic body (column 3 lines 20-25) formed as a unit having generally rectangular front panel (25) having a front surface and a rear surface, top, bottom and side walls projecting rearward of said front panel and having continuous outer edge portion (see figure 2); said front panel having a forwardly extending central panel portion (19) which defines an enlarged clearance cavity which rearwardly opens and faces the assembly (see figure 2), said edge portions of said top and bottom or said side walls biasingly engaging against the corresponding outer edge surfaces of the cover plate (10) to entirely cover and protect all front and side surfaces of said assembly (column 1 lines 59-66), said top, bottom and

side walls being formed with thin edge sections (23 for illustration purpose only, see figure 2) on the rear portion thereof, said edge portions along the lengths thereof arcuately inwardly contoured (see figure 2) with said thin edge section (23, see figure 2) to provide a degree of resilience (column 1 lines 59-66 or column 3 lines 20-23) which allows them to be force fitted over the corresponding outer edge surfaces of the cover plate (10) to securely releasably retain said panel (25) in deployed position over the assembly (column 1 lines 59-66 or column 3 lines 20-23).

Regarding claim 3, Skakun discloses an universal paint shield (16) for releasable attachment to an electrical wall outlet or switch assembly (see figure 1) for preventing paint (column 1 lines 44-46) being applied to an adjacent wall surface from contacting the cover plate (10) of the assembly or any other exposes surfaces and components thereof as the wall is painted, comprising: a molded plastic body (column 3 lines 20-24) formed having generally uniform section thickness (column 3 lines 24-25), including a generally rectangular front panel (25) having a front surface and a rear surface, top, bottom and side walls projecting rearward of said front panel and having continuous outer edge portions (see figures 1 and 2); said front panel (25) having a forwardly extending central portion (19) which defines an enlarged clearance cavity which rearwardly opens to face the assembly (see figure 2) and is adapted to provide adequate clearance for all exposed surfaces and components of a wide variety of any such assemblies (see figure 2 or column 2 lines 59-66) , at least two opposing said edge portions (23 or see figure 2) of said top and bottom or said side walls biasingly engaging (column 1 lines 59-66 or column 3 lines 20-23) against the corresponding outer edge surfaces of the cover plate (10) to entirely cover all exposed front and side

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surfaces of said assembly, said edge portions (23) having opposing inwardly contoured longitudinal edges spaced apart at central portions thereof (see figure 2) a distance just slightly less than a width of the cover plate (see figure 1 or column 1 lines 59-66) and of sufficient resilience (column 1 lines 59-66 or column 3 lines 20-23) to allow them to be force fitted over the corresponding outer edge surfaces of the cover plate (10) for biased releasable retention of said paint shield (16) in a deployed position over the cover plate (10).

Regarding claim 4, Skakun discloses the universal paint shield (16), further comprising: a textured or ribbed gripping band (64 or 67) formed into outer surfaces of the side portions of the clearance cavity (see figure 5) for enhanced finger gripability of said paint shield during deployment and removal (column 4 lines 25-36).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vrame et al (US 6,683,248), Green (US 5,526,952), Erfarb (US 6,103,974), Pacheco (US 6,703,562) and Shaffer et al (US 6,538,202) disclose a paint shield.

6. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone

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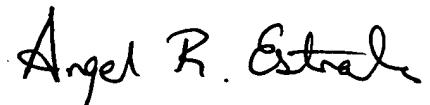
number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AE

October 15, 2004



Angel R. Estrada  
Patent Examiner  
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